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BY ECF

June 11, 2024

The Honorable Lorna G. Schofield
United States District Court
Southern District of New York
40 Foley Square
New York, New York 10007

Re: *New York City Transit Authority v. Westfield Fulton Center LLC, Case No. 24-cv-1123 (LGS)*

Dear Judge Schofield:

Pursuant to the Court's Order (ECF No. 74), Defendant Westfield Fulton Center LLC ("Westfield") and Plaintiff New York City Transit Authority ("NYCTA") submit this joint letter to provide updates on two issues. First, on June 10, 2024, Westfield advised NYCTA that it would not be calling Marco Maldonado as a witness at the June 24, 2024 Preliminary Injunction Hearing (the "Hearing"). Second, Westfield and NYCTA consent to engage in mediation before Magistrate Judge Tarnofsky prior to the Hearing. The parties respectfully ask that Your Honor adjourn the Hearing and suspend or stay any discovery or Hearing-related deadlines so the parties can meaningfully engage in mediation. The parties will promptly reach out to the Court to schedule a hearing on NYCTA's motion for a preliminary injunction and reinstate discovery in the event the parties are unable to resolve the matter through mediation.

Respectfully submitted,

/s/ Mara B. Levin

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